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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

Notice of Proposed Rulemaking

The Department of Food and Agriculture proposes to amend Section 3591.19 of the regulations in Title 3 of the California Code of Regulations pertaining to the Diaprepes abbreviates Eradication Area.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed action to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to lrains@cdfa.ca.gov. The written comment period closes at **5:00 p.m. on February 20, 2012**. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Lindsay Rains
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
lrains@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

AUTHORITY AND REFERENCE

Food and Agriculture Code Sections 407 and 5322 authorize the Department to repeal these regulations.

The proposed revisions are to a regulation that interprets and makes specific Sections 5761, 5762, and 5763 of the Food and Agricultural Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407, and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761, 5762, and 5763).

Section 3591.19 was adopted and established Diaprepes root weevil (DRW), *Diaprepes abbreviates*, as a pest, the entire counties of Los Angeles, Orange and San Diego as eradication areas, hosts and possible carriers of the pest, and the means and methods that may be used in the eradication and control of this pest. The Department has determined that the pest cannot be eradicated with the given resources and no quarantine has been in place since April of 2010. The proposed action would repeal the regulation. There is no existing, comparable federal regulation or statute.

The specific benefits of the repeal of this regulation are to enable the Department to save the money, time and resources which would continue to be used on a pest which is no longer feasible to eradicate from California. The Department estimates that annual cost to eradicate DRW would exceed \$8 million and over 60 people would be dedicated to the project. California is faced with constant pressure from other exotic invasive species and the repeal of this regulation will enable the Department to focus its efforts on eradicating, controlling or suppressing these pests when feasible which will help protect the environment [Gov. Code sec. 11346.5(a)(3)(C)].

The Department has evaluated and determined that the repeal of this regulation is not inconsistent with existing State regulations. There are no other comparable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: None.

Small Business Determination

The Department has determined that the proposed regulations will affect small business.

ECONOMIC IMPACT ANALYSIS

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits of the repeal of this regulation to the health and welfare of California residents or worker safety. The repeal of this regulation will enable the Department to focus its efforts on eradicating, controlling or suppressing other exotic invasive pests when feasible which will help protect the environment [Gov. Code sec. 11346.3(b)].

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statuto-

ry policy or other provision of law than the proposal described in this Notice.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Lindsay Rains
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street, Room 210
Sacramento, California 95814
lrains@cdfa.ca.gov
(916) 654-1017
FAX (916) 654-1018

In her absence, you may contact Stephen S. Brown at the same phone number.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (<http://www.cdfa.ca.gov/plant/regulations.html>).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend the proposed regulations substantially as described in this notice.

If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Lindsay Rains at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

Electronic Mail
regulations@corp.ca.gov

Facsimile
(916) 322-5875

Comments may be submitted until 5:00 p.m., February 20, 2012. If the final day for the acceptance of comments is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons will be posted on the Department's website or a copy may be obtained by contacting Ms. Rains at the address listed above.

TITLE 10. DEPARTMENT OF CORPORATIONS

NOTICE IS HEREBY GIVEN

The California Corporations Commissioner (Commissioner) proposes to amend Section 260.204.9 of Title 10 of the California Code of Regulations (hereinafter "Rule 260.204.9") relating to investment advisers who advise private funds.

PUBLIC COMMENTS

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Corporations' (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed as follows:

Regular Mail
Department of Corporations
Attn: Karen Fong, Office of Legislation and Policy
1515 K Street, Suite 200
Sacramento, CA 95814

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department licenses and regulates investment advisers under the Corporate Securities Law of 1968 (Corporations Code Section 25000 et seq., the "Corporate Securities Law"). Under the Corporate Securities Law, it is unlawful for an investment adviser to conduct business without first applying for and securing a certificate unless the adviser is specifically exempt from that requirement. Previously, the Department, by regulation, conferred an exemption set forth in Rule 260.204.9 from state registration for investment advisers that satisfied the exemption set forth in Section 203(b)(3) of the Investment Advisers Act of 1940. However, the *Dodd-Frank Wall Street Reform and Consumer Protection Act* ("Dodd-Frank"), repealed that exemption. Public Law No. 111-203. Accordingly, on July 21, 2011, the Department promulgated emergency regulations to preserve the existing exemption from state registration for investment advisers who relied on the expiring federal exemption.

In this rulemaking action, the Department proposes a successor exemption for advisers to private funds, provided they (1) have not violated securities laws, (2) file periodic reports with the Department, (3) pay the existing investment adviser registration and renewal fees, and (4) comply with additional safeguards when advising funds organized under Section 3(c)(1) of the Investment Company Act of 1940. The proposed exemption is based on the proposed North American Securities Administrators Association (NASAA) *Model Rule for Exempt Reporting Advisers* (available at: <http://www.nasaa.org/1787/proposed-model-rule-for-exempt-reporting-advisers/>). The exemption would also conform to federal law, when applicable, by referencing the definitions set forth in *Dodd-Frank*, and the administrative rules promulgated thereunder. In light of the changes to law made by *Dodd-Frank*, the objectives of this rulemaking action are to reduce regulatory burdens on advisers to private funds while ensuring minimum standards and oversight are instituted.

Lastly, private funds provide a significant source of financing to California capital markets, at times when

traditional sources of financing have become more difficult to obtain. Accordingly, the exemption would likely benefit California capital and labor markets.

Existing State Regulations

The proposed exemption would serve to exempt qualifying investment advisers from registration requirements. Accordingly, the proposed exemption is not inconsistent or incompatible with existing state regulations.

AUTHORITY

Sections 25204 and 25610, Corporations Code.

REFERENCE

Section 25230, Corporations Code.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation (with the changes clearly indicated), unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation(s). A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulation(s) for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

**AVAILABILITY OF STATEMENT OF REASONS,
TEXT OF PROPOSED
REGULATIONS/INTERNET ACCESS**

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document PRO 02/11-B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document PRO 02/11-C. These documents are also available through the Department's website www.corp.ca.gov. As required by the Administrative Procedure Act, the Office of Legislation and Policy maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Corporations, Office of Legislation and Policy, 1515 K Street, Suite 200, Sacramento, California 95814.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the

contact person named in this notice or may be accessed on the website listed above.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

FISCAL IMPACT

- Cost or savings to any state agency: The Department is currently studying the fiscal impact of the proposed exemption.
- Direct or indirect costs or savings in federal funding to the state: none.
- Cost to local agencies and school districts required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: none.
- Other nondiscretionary costs/savings imposed on local agencies: none.

**DETERMINATION UNDER GOVERNMENT
CODE SECTION 11346.5(a)(8)**

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not impose a mandate on local agencies or school districts, or a mandate that is required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

ECONOMIC IMPACT ANALYSIS

This proposed regulation does not adversely affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of Califor-

nia; or the expansion of businesses currently doing business within the State of California.

The exemption would likely benefit California capital and labor markets. In turn, these markets significantly impact the general welfare of California residents.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

The Commissioner has determined that the adoption of these regulations will not affect small business. Under Government Code Section 11342.610, “small business” does not include the professional or business activity of investment advisers.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to Karen Fong at (916) 322–3553. The backup contact person is Tanya Bosch at (916) 322–3553. Inquiries regarding the substance of the proposed regulation may be directed to Ivan V. Griswold, Corporations Counsel at (415) 972–8937.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

POST Basic Courses Test Administration and Security Guidelines Regulations 1001, 1005, 1007, 1008, 1052, and 1055 and Procedures D–1 and D–10

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

PUBLIC COMMENTS DUE BY FEBRUARY 20, 2012, AT 5:00 P.M.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227–5271, or by letter to:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816–7081

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

POST is responsible for the development of test questions, creation of test forms, management of, and security requirements for, 82 Learning Domain, Mid–Term, and Final Tests. These tests are required for successful completion of the Regular Basic and Modular Format Courses, Specialized Investigators’ Basic Course, Requalification Course, and PC832 Laws of Arrest Course. The development and management processes involve the use of subject matter resource groups to ensure the accuracy and validity of the material being tested and POST staff to ensure statewide applicability. This work is costly, time consuming, and labor intensive. The security of the test material is especially important. If one test is compromised it affects all tests for each course and requires new questions to be developed and validated.

In January of 2009, the Commission on Peace Officer Standards and Training (POST) implemented the *POST Basic Courses Test Administration and Security Guidelines — 2009*, which requires each presenter to create written policies and procedures regarding test administration and test security. Due to recent compromises of test material, changes that are being proposed are designed to strengthen testing policy content requirements. One notable change is the document currently titled the *POST Basic Courses Test Administration and Security Guidelines — 2009* will be re-titled to the

POST Basic Courses Test Management and Security Protocols — 2012. This change was made to alleviate confusion about the content of the document.

The implementation of these changes will greatly reduce the likelihood of test materials being compromised or misused by assuring that all presenters have an understanding of the sanctions related to cheating and compromising test material. These changes will help to ensure the continued integrity of entry-level law enforcement training and testing.

The specific benefits anticipated by the proposed changes to the regulations will be to promote fairness for all individuals taking POST Basic Course tests through stronger test management and security protocols. There would be no effect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

An evaluation has found that the proposed changes to regulation are consistent or compatible with existing state regulations.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code Sections 17500–17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small

Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant state-wide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement, which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

ASSESSMENT

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to hold accountable those individuals involved in cheating who compromise the security of POST test materials and ensure the integrity of entry-level law enforcement training and testing. There would be no impact which would affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSONS

Please direct inquiries about this proposed regulatory action to Jennifer Imlay, Commission on POST, 1601

Alhambra Boulevard, Sacramento, CA 95816–7083, by email at Jennifer.Imlay@post.ca.gov, or by telephone at (916) 227–3917. Patti Kaida is the contact person for questions on the regulatory process. Ms. Kaida is available by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227–4847, or by FAX at (916) 227–5271.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 702, 7071, 8587.1 and 8588 of the Fish and Game Code and to implement, interpret or make specific sections 97, 200, 202, 205, 1802, 7056, 7071, 8585.5, 8586, 8587, 8587.1, and 8588, Fish and Game Code; 50 CFR Part 660, Subpart G; 50 CFR 660.384; and 14 CCR 27.20, proposes to amend sections 28.29, 52.10, and 150.16, Title 14, California Code of Regulations, relating to Greenling Total Allowable Catch, Recreational Sub-bag Limits, and Cumulative Trip Limits.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current state regulations provide for: a statewide total allowable catch (TAC) for greenlings of the genus *Hexagrammos*, allocation of the TAC for greenlings between the recreational and commercial fisheries, and establishment of commercial trip limits and recreational sub-bag limits for greenlings.

The Marine Life Management Act of 1998 establishes the Legislature’s concern for the status of near-shore fish stocks off California, particularly nearshore rockfish, California scorpionfish, cabezon, greenlings, and California sheephead which are targeted by recreational and commercial fisheries in the state. Sections 7071 and 8587.1 of the Fish and Game Code authorize the Commission to adopt regulations based on the advice and recommendations of the Department to regulate nearshore fish stocks and fisheries. However, regulatory authority is shared jointly between state and federal governments in the case of species which are also included in the Federal Groundfish Fishery Management Plan — including kelp greenling. As a result, the state’s regulatory and management actions must not allow catches of these species to exceed these federally established levels, nor can they conflict with other federal regulations such as fishing seasons, trip limits and bag limits. The state may however, impose additional and/or more restrictive requirements as it sees fit. As a result, while kelp greenling is also managed at the federal level using ACLs, the state may regulate the resource more actively — setting TACs, sector allocations and commercial trip limits.

Past stock status determination methodologies, used on both the federal and state side, only used historical catch data in determining future harvest levels. At the federal level, a new methodology was approved for use in determining allowable harvest amounts for data poor stocks (which includes kelp greenling). The new methodology resulted in a higher, sustainable federal harvest level, and the Department is proposing to increase the state TAC in conformance with the new, higher federal ACL level. In conjunction with the higher TAC, modifications to the recreational sector allocation, the recreational sub-bag limits and commercial bi-monthly trip limits are also proposed.

Proposed Management Changes

The Department proposes the following modifications to Sections 28.29, 52.10, and 150.16, Title 14, CCR:

- Increase the recreational sub-bag limit for greenlings from two fish to ten fish.
- Increase the statewide TAC for greenlings from 37,600 pounds (approximately 17 metric tons) to 121,900 pounds (55.3 metric tons) consistent with the federally adopted kelp greenling ACL contribution to the federal “Other Fish” complex. This will provide an increase to the TAC that is more than three times the current TAC.

- Modify allocation to recreational sector to highest recent catch and manage the commercial sector such that yearly harvest will not exceed the remainder of the TAC.
- Increase the commercial bimonthly trip limits from the current 25 pounds per two months, to a value between zero and 300 pounds per two months.

The proposed management actions would relax recreational fishing regulations for greenlings statewide, and may have positive impacts to some businesses in California. Sport fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that recreationally pursue greenlings off California may be positively affected to some degree from increases to business relative to previous management cycles. Likewise, commercial fishing industry businesses and coastal communities may realize positive benefits from increased bimonthly trip limits and catches, a decrease to regulatory discarding, and the possibility of a longer open season for greenlings (and thus a more consistent product for markets).

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at the Natural Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 2, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held at The Mission Inn, 3649 Mission Inn Avenue, Riverside, California, on Wednesday, March 7, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before February 29, 2012, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on March 5, 2012. All comments must be received no later than March 7, 2012, at the hearing in Riverside, CA.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency

representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.**

Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed management actions would relax recreational fishing regulations for greenlings statewide, and may have positive impacts to some businesses in California. Sport fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that recreationally pursue greenlings off California may be positively affected to some degree from increases to business relative to previous management cycles. Likewise, commercial fishing industry businesses and coastal communities may realize positive benefits from increased bimonthly trip limits and catches, a decrease to regulatory discarding, and the possibility of a longer open season for greenlings (and thus a more consistent product for markets). However, anticipated impacts are speculative and would vary considerably by geographic location and by the nature and extent of the regulatory action taken.

- (b) Economic Impact Analysis Assessment pursuant to Gov. Code sec. 11346.3(b):

Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The proposed regulatory action could produce some impact on the creation or elimination of jobs or businesses that rely on recreational or commercial fishing for greenlings. However, the degree of impact is highly speculative in nature and cannot be quantified. See response to VI(a) above.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed management actions would relax recreational fishing regulations for greenlings statewide, and may have positive impacts to some businesses in California. Sport fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that recreationally pursue greenlings off California may be positively affected to some degree from increases to business relative to

previous management cycles. Likewise, commercial fishing industry businesses and coastal communities may realize positive benefits from increased bimonthly trip limits and catches, a decrease to regulatory discarding, and the possibility of a longer open season for greenlings (and thus a more consistent product for markets).

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations, relating to early season ocean salmon sport fishing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On May 1, 2011, the National Marine Fisheries Service (NMFS) implemented the 2011 Federal ocean salmon regulations, which included Pacific Fishery Management Council (PFMC) recommendations for dates to open the 2012 California ocean salmon recreational fishing season south of Horse Mountain. While Federal waters below Horse Mountain are scheduled to open on April 7, 2012 with the same fishing regulations in effect as in 2011, State waters are scheduled to remain closed. The 2012 season openers were not adopted into the State's ocean salmon regulations last year due to the possibility that these opener dates, along with minimum size limits, bag limits, and open fishing days, may be modified by NMFS/PFMC in March 2012 based on the most up-to-date salmon abundance information for target stocks and salmon species of special concern, including Sacramento River Winter Chinook which is listed as endangered under both State and Federal Endangered Species Acts (ESAs).

The Department of Fish and Game (Department) is proposing modification to the annual Commission ocean salmon regulatory process to synchronize salmon data availability and the Federal regulatory timeline with the State's rulemaking requirements so that rules are effective in a timely manner. Two separate Commission actions are necessary to conform the state regulations to new federal rules; the first action taken after the March 2–7, 2012 PFMC meeting and the second action taken after the April 1–6, 2012 PFMC meeting.

Proposal Overview

This regulatory proposal will provide increased flexibility for alignment of the annual Federal and State ocean salmon recreational fishing regulatory processes and ensure for adequate public notice of any possible NMFS March or April regulatory action. The proposal is outlined below:

- 1) Restructure Section 27.80, Title 14, CCR, as follows:
 - a. Different subsections (c) and (d) for the salmon fishing season in effect 1) April 7 through April 30 and 2) on or after May 1, respectively.
 - b. Allow for varied regulations among management areas, including different size limits, bag limits, days open, and periodic closures during the two time periods above to provide increased protection of California salmon stocks, especially those listed under State and Federal ESAs.
- 2) Concurrent notice of two Initial Statements of Reasons (ISOR).

- a. In March, the first ISOR will amend subsection (c) to adopt Federal ocean salmon recreational fishing regulations in effect April 7 through April 30, 2012.
- b. In April, the second ISOR will amend subsection (d) to adopt Federal ocean salmon recreational fishing regulations in effect on or after May 1, 2012.

This is the first ISOR to restructure Section 27.80 and add the 2012 ocean season regulations effective April 7 through April 30, 2012 as subsection (c) of Section 27.80.

Proposed Regulations

For public notice purposes to facilitate Commission discussion, the Department is proposing three regulatory options to encompass all possible actions for Commission consideration:

Option 1 — Varied season dates in all areas

The date ranges in the following areas are proposed to encapsulate all possibilities of the Commission final action on the Federal regulations in effect April 7 through April 30, 2012. This approach will allow final State ocean salmon recreational fishing regulations to be in effect at the same time as salmon regulations in federal ocean waters.

- (1) For all the waters of the ocean north of Horse Mountain and in Humboldt Bay: Closed to fishing in April. The remainder of the 2012 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) For all areas south of Horse Mountain: The season, if any, may occur within the range of April 7 to April 30, 2012. The proposed bag limit will be from 1 to 2 fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with bag limit, minimum size, and days of the week open will be determined in March and may be different for each sub-area.

Option 2 — No fishing in all areas

This is the same as the no change option since all ocean salmon recreational fishing seasons are currently closed in the Section 27.80 regulations. Regulation changes are proposed to clarify that all areas are closed and establish the new subsection (c) for the next ISOR.

Option 3 — A possible combination of Option 1 and 2 may be developed after more information is available from the NMFS and PFMC.

This may include different opening and closing dates, bag limits, size limits, days of week open and periodic closures among management areas.

The benefits of the proposed regulations are in concurrence with Federal law, sustainable management of

ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 2, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mission Inn, 3649 Mission Inn Avenue, Riverside, California, on Wednesday, March 7, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. **It is requested, but not required, that written comments be submitted on or before February 29, 2012** at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on March 5, 2012. All comments must be received no later than March 7, 2011, at the hearing in Riverside, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager of the Marine Region, at (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be re-

sponsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.
- (i) Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The benefits of the proposed regulations are in concurrence with Federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of law.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on February 20, 2012.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 15 days before the close of the written comment period.

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of

technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference. Pursuant to the authority vested by Section 4005 of the Business and Professions Code, and to implement, interpret or make specific Sections 4052 and 4052.3 of the Business and Professions Code, the Board of Pharmacy is proposing to amend Section 1746 of Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board of Pharmacy ("Board") proposes to amend Section 1746 of Division 17 of Title 16 of the California Code of Regulations ("CCR") for the purpose of revising the protocol utilized by pharmacists to furnish emergency contraception (EC) drug therapy pursuant to the standardized protocol developed and approved by both the Medical Board of California (MBC) and the California State Board of Pharmacy (Board).

Existing law at Section 4052(a)(8) of the Business and Professions Code authorizes a pharmacist to furnish EC drug therapy as authorized by Section 4052.3 of the Business and Professions Code. Section 4052.3(a)(2) specifies that a pharmacist may furnish EC drug therapy in accordance with a standardized protocol developed and approved by both the MBC and the Board. Also, the development of the EC protocol by the Board must be made "in consultation with the American College of Obstetricians and Gynecologists, the California Pharmacists Association, and other appropriate entities." The standardized protocol is specified at Title 16 Section 1746 CCR.

The protocol specified in this proposal was first adopted in 2004. Since that time, there have been changes in the availability of emergency contraception medicine and the manufacturers who produce the medication. It was also discovered that there is a typographical error in the board's current regulation that requires correction (mcg instead of mg).

In 2011, the Board's Executive Officer began working with a California Pharmacists Association representative (a women's health specialist pharmacist) and two representatives of the American College of Obstetricians and Gynecologists to develop and finalize a protocol which would reflect the changes in medicine and manufacturing for EC. The resulting draft was considered and approved by the Medical Board of California at its July 2011 meeting. The Executive Officer pro-

vided updates to the Board's Communication and Public Education Committee on January 10, 2011 and on September 26, 2011. In September 2011, the committee recommended that the Board initiate a rulemaking to repeal and to amend 16 CCR Section 1746 to be consistent with the proposed draft and update of the EC Protocol that was approved by the Medical Board in July 2011. This recommendation was adopted by the Board at its October 18, 2011 board meeting.

Existing regulation at 16 CCR § 1746(a) specifies that a pharmacist furnishing EC shall follow the protocol specified in subdivision (b) of the section.

This proposal updates a statutory reference specified in subdivision (a).

Existing regulation at 16 CCR § 1746(b) specifies the protocol to be used by pharmacists furnishing EC, to include authoritative references, purpose, information that must be communicated to the patient, training, documentation and other requirements. Paragraph (11) specifies a table of oral contraceptives used for EC; and paragraph (12) specifies a table of anti-nausea treatment options for use with EC.

The proposed amendments to Section 1746(b) would update statutory references within the section; would update the information that is to be communicated to the patient when the patient requests EC; would correct a typographical error; and would revise and recast the table of dedicated approved products for EC specified at paragraph (11). The board believes its proposal would benefit consumers and pharmacies, and would also benefit the public health and safety in that an updated chart of EC drug therapy will be available to pharmacies and consumers. The board also believes that the proposed regulation promotes fairness to FDA-approved drug manufacturers, in that the table of dedicated approved products for EC specifies that generic equivalent drug products may be furnished to a consumer requesting EC drug therapy; this could also benefit pharmacies by having additional drug manufacturers from which to purchase drug products that are furnished in accordance with the regulation. The board does not regulate prices for which pharmacies charge consumers for dispensed drug products; however, the board believes it is possible that the list of dedicated approved products for EC, as well as generic equivalent products, may give a pharmacy and a consumer options in what dedicated approved products for EC is furnished in accordance with the protocol.

Based on an initial evaluation, the board does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation does not impose a new requirement on a pharmacy licensed with the Board of Pharmacy; rather, it proposes to modify the table of dedicated approved products used for emergency contraception and make other specified changes to the existing protocol, as jointly approved by the Medical Board and the Board of Pharmacy.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on the creation of new or elimination of existing jobs or businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. This determination is based on the fact that a pharmacist is currently authorized to furnish emergency contraception pursuant to a protocol jointly approved by the Medical Board and the Board of Pharmacy.

Effect on Housing Costs: None.

ECONOMIC IMPACT ANALYSIS

The Board of Pharmacy has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation does not impose a new requirement on a pharmacy licensed with the Board of Pharmacy; rather, it proposes to modify the table of dedicated approved products used for emergency contraception and make other specified changes to the existing protocol, as jointly approved by the Medical Board and the Board of Pharmacy.

As part of its Economic Impact Analysis, the board has determined that its proposal will not affect the abil-

ity of California businesses to compete with other states by making it more costly to produce goods or services, that it will not create or eliminate jobs or occupations, and the proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services. The board's proposal does not impact multiple industries.

Small Businesses: The board's proposal may affect small businesses; however, the board does not have nor does it maintain data to determine if any of its licensed pharmacies are "small businesses" as defined in Government Code Section 11342.610.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on the creation of new or elimination of existing jobs, businesses or the expansion of businesses in the State of California.

Occupations/Businesses Impacted: The Board of Pharmacy has made an initial determination that this regulatory proposal will impact pharmacists and pharmacies. As of October 2011, the board had approximately 37,743 pharmacists (individuals) with current licenses issued by the board. Also, as of October 2011, the board had approximately 6,900 pharmacies (sites) with current licenses issued by the board.

Reporting Requirements: None.

Comparable Federal Regulations: None.

Benefits: Business and Professions Code section 4005 states that "the board may adopt rules and regulations . . . pertaining to the practice of pharmacy . . ." Further, Business and Professions Code 4001.1 states that the "protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." The purpose of the proposed regulatory changes is to ensure that the drug products specified in the board's emergency contraception drug therapy protocol specifies current drug information. Since the establishment of Section 1746 in 2004, there have been changes to drugs utilized for emergency contraception as well as the manufacturers that produce these drugs. Both pharmacists and patients will benefit from having an EC protocol available that has updated drug therapies.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out

the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations at the address listed for the Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's Website: <http://www.pharmacy.ca.gov>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board of Pharmacy's Website (www.pharmacy.ca.gov).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Carolyn Klein
Address: 1625 N. Market Blvd., N219
Sacramento, CA 95834
Telephone No.: (916) 574-7913
Fax No.: (916) 574-8618
E-Mail Address: Carolyn.Klein@dca.ca.gov

The backup contact person is:

Name: Anne Sodergren
 Address: 1625 N. Market Blvd., N219
 Sacramento, CA 95834
 Telephone: (916) 574-7910
 Fax: (916) 574-8618
 E-Mail Address: Anne.Sodergren@dca.ca.gov

Website Access. Materials regarding this proposal can be found at www.pharmacy.ca.gov.

TITLE 16. BOARD OF PODIATRIC MEDICINE

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine (hereinafter referred to as the "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 2005 Evergreen Street, Sacramento, CA 95815, Hearing Room 1150, at 10:00 a.m., on February 24, 2012. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on **February 20, 2012** or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2470 of the Business and Professions Code and Section 11400.20 of the Government Code, and to implement, interpret or make specific Sections 11400.20 and 11425.50(e) of the Government Code, the board is considering changes to Division 13.9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1399.710, Disciplinary Guidelines.

Senate Bill 523 (Stats. 1995, Chapt. 938; Kopp) provided that a penalty in an administrative disciplinary action may not be based on a guideline unless it has been adopted as a regulation in accordance with the Admin-

istrative Procedure Act. The Board adopted the disciplinary guidelines as an administrative regulation, which became effective October 1997. The regulation incorporated by reference the disciplinary guidelines entitled "A Manual of Disciplinary Guidelines and Model Disciplinary Orders," revised November 1, 1996. Subsequent revisions to the guidelines adopted by the Board were later incorporated by reference.

Current law authorizes the Board to have complaints filed against doctors of podiatric medicine investigated and take disciplinary action against a license should a violation of law be proven. Section 2227 of the Business and Professions Code (Code) authorizes the Board to place licensees on probation following an evidentiary hearing, a default decision or the execution of a stipulated settlement. Section 2228 of the Code specifies the terms and conditions that may be included in a licensee's probationary order, including, but not limited to additional training, practice restrictions, and successful completion of diagnostic examinations. Business and Professions Code Section 2229 also requires that, whenever possible, the Board should take action that is calculated to aid in the rehabilitation of the licensee and order actions to include further education, restrictions from practice, or other means, that will remove the identified deficiencies. The *Manual of Disciplinary Guidelines with Model Disciplinary Orders* referenced in the current regulation contains the approved terms and conditions that can be ordered to rehabilitate physicians as part of a probationary order while allowing the Board to honor its primary obligation of public protection.

On September 23, 2011, the board approved to incorporate by reference its recently revised Manual of Disciplinary Guidelines. The proposed amendment would incorporate by reference the most recent revision to the Board's *Manual of Disciplinary Guidelines with Model Disciplinary Orders*, which reestablishes consistency with the Medical Board of California's *Manual of Model Disciplinary Orders and Disciplinary Guidelines, 11th Edition, 2010* with respect to licensee rehabilitation as a condition of probation.

The specific benefits anticipated from the proposed amendment include greater protection of public health and safety, as well as improved worker safety through the setting of improved licensee rehabilitation standards employed by California Healing Arts Boards.

The proposed regulation has not been found to be inconsistent or incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

There are no costs associated with the proposed regulatory action. This rulemaking only relates to doctors of podiatric medicine disciplined by the Board of Podiatric Medicine.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

This regulation will benefit the health and welfare of California residents, worker safety, and the state's environment by improving the licensee rehabilitation standards employed by California Healing Arts Boards.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board of Podiatric Medicine has determined that the proposed regulations would not affect small businesses. This proposed regulation will only impact doctors of podiatric medicine disciplined by the Board of Podiatric Medicine.

The most recent revision of the *Manual of Disciplinary Guidelines with Model Disciplinary Orders*, incorporated by reference, makes no changes that would result in an increase of costs to licensees or small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Podiatric Medicine must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the

attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all of the information upon which the proposal is based. Copies of the initial statement of reasons and all of the information upon which the proposal is based may be obtained from the person designated in the Notice under Contact Person or by accessing the Board's website: http://www.bpm.ca.gov/lawsregs/prop_regs.shtml.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: http://www.bpm.ca.gov/lawsregs/prop_regs.shtml.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below, or by accessing the Board's website: http://www.bpm.ca.gov/lawsregs/prop_regs.shtml.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Mischa Matsunami
 Address: Board of Podiatric Medicine
 2005 Evergreen St., Ste. 1300
 Sacramento, CA 95815
 Telephone: (916) 263-0315
 Fax: (916) 263-2651
 E-Mail Address: Mischa.Matsunami@dca.ca.gov

The backup contact person is:

Name: Jim Rathlesberger
 Address: 2005 Evergreen Street,
 Suite 1300
 Sacramento, California 95815
 Telephone: (916) 263-2647
 Fax: (916) 263-2651
 E-Mail Address: Jim.Rathlesberger@dca.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.bpm.ca.gov/lawsregs/prop_regs.shtml.

<p>GENERAL PUBLIC INTEREST</p>

**TITLE 2. DEPARTMENT OF FAIR
 EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
 DBA ASI Telesystems, Inc.
 21150 Califa Street
 Woodland Hills, CA 91367

Bay Recycling
 800 77th Avenue
 Oakland, CA 94621

C & C Disposal Service
 P.O. Box 234
 Rocklin, CA 95677

Choi Engineering Corp.
 286 Greenhouse
 Marketplace, Suite 329
 San Leandro, CA 94579

Fries Landscaping
 25421 Clough
 Escalon, CA 95320

Marinda Moving, Inc.
 8010 Betty Lou Drive
 Sacramento, CA 95828

MI-LOR Corporation
 P.O. Box 60
 Leominster, MA 01453

Peoples Ridesharing
 323 Fremont Street
 San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
 446 26th Street
 San Diego, CA

Southern CA Chemicals
 8851 Dice Road
 Santa Fe Springs, CA 90670

Tanemura and Antle Co.
 1400 Schilling Place
 Salinas, CA 93912

Turtle Building Maintenance Co.
 8132 Darien Circle
 Sacramento, CA 95828

Univ Research Foundation
 8422 La Jolla Shore Dr.
 La Jolla, CA 92037

Vandergoot Equipment Co.
 P.O. Box 925
 Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

**CESA CONSISTENCY DETERMINATION
 REQUEST FOR**

Line 7000/Line 293 In-Line Inspection Project
 (2080-2011-026-04)
 Tulare and Kern Counties

The Department of Fish and Game (Department) received a notice on December 21, 2011 that Southern California Gas Company proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves retrofitting and inspecting two inter-related natural gas pipelines near the city of Goshen in

Tulare County, and near the city of Shafter in Kern County.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (File No. 1–1–96–F–0136)(BO) and incidental take statement (ITS) to the U.S. Bureau of Land Management on January 23, 1998 which considered the effects of the project on the State and Federally endangered Tipton kangaroo rat (*Dipodomys nitratoide nitratoide*).

Pursuant to California Fish and Game Code Section 2080.1, Southern California Gas Company is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Southern California Gas Company will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

REIMBURSEMENTS FOR MEDI–CAL AIR MEDICAL TRANSPORTATION SERVICES PURSUANT TO THE EMERGENCY MEDICAL AIR TRANSPORTATION ACT

This notice provides information of public interest with respect to the supplemental payment and rate augmentations that are proposed for Medi–Cal air medical transportation services provided to Medi–Cal beneficiaries. The Department of Health Care Services (DHCS) proposes to submit a State Plan Amendment (SPA) to the federal Centers for Medicare and Medicaid Services, to implement Medi–Cal supplemental payments and rate augmentations for air medical transportation services, pursuant to the provisions of the Emergency Medical Air Transportation Act, or “EMATA” (Assembly Bill (AB) 2173, Beall, Chapter 547, Statutes of 2010).

Effective January 1, 2011, the EMATA requires the county courts to levy and collect an additional \$4 penalty on statewide vehicle violations, with the exception of parking offenses, for the purposes of providing payment and/or rate augmentations for Medi–Cal air medical transportation services. Each county deposits its penalty collections into the EMATA Fund, a State special fund, upon receipt of the penalty payment. The penalty collections are available to DHCS to adjust payments and/or rates to Medi–Cal air medical transportation service providers.

Upon federal approval of the SPA, the EMATA will be implemented using a two–phased approach. In the initial phase, DHCS will provide at least one supplemental payment for Medi–Cal air medical transportation services provided to Medi–Cal beneficiaries from January 6, 2012 through June 30, 2012. The supplemental payment(s) will be made using monies available in the EMATA Fund. Supplemental payments are anticipated to be completed by September 30, 2012.

Effective July 1, 2012 and for each FY thereafter until January 1, 2018, the funds available in the EMATA Fund will be used by DHCS to provide for annual rate augmentations to air medical transportation rates. The annual rate augmentations will be provided for services provided in both the Medi–Cal Fee–for–Service and managed care programs.

This action will not impact the state General Fund.

PUBLIC REVIEW AND COMMENTS

The California statutes discussed above are available for public review at welfare offices in every county of the State. Written comments (or requests for copies of statutes and/or copies of the written comments) may be submitted within 45 days of the publication date of this notice to:

Arlene Sakazaki, Chief, Provider Rate Section
Fee–For–Service Rates Development
Department of Health Care Services; MS 4600
P.O. Box 997417
Sacramento, CA 95899–7417

CALIFORNIA FISH AND GAME COMMISSION

NOTICE OF FINDINGS

Black–backed Woodpecker
(*Picoides arcticus*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its December 15, 2011, meeting in San Diego, California, accepted for consideration the petition submitted to list the Black–backed Woodpecker (*Picoides arcticus*) as a threatened or endangered species. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Game shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the peti-

tioned action is warranted. Copies of the petition, as well as minutes of the December 15, 2011, Commission meeting, are on file and available for public review from Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

DECISION NOT TO PROCEED

DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE OF DECISION NOT TO PROCEED (Pursuant to Government Code section 11347)

On December 23, 2011, the California Department of Food and Agriculture (CDFA) published a Notice of Proposed Rulemaking concerning "Diaprepes abbreviatus Eradication Area." The proposed action would have repealed the regulation.

The CDFA has found an error in the content of the Notice of Proposed Rulemaking. The Department will submit a Notice of Proposed Rulemaking with the necessary changes incorporated into it at a later date.

Pursuant to Government Code section 11347, CDFA hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (Register 2011, No. 51-Z, December 23, 2011, OAL File no. Z-2011-1213-08).

Any interested person with questions concerning this rulemaking should contact Lindsay Rains at 916.654.1017 or lraings@cdfa.ca.gov.

The CDFA will also publish this Notice of Decision Not to Proceed on its website: <http://www.cdfa.ca.gov/plant/Regulations.html>.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indi-

cated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-1129-01 BOARD OF EQUALIZATION Charitable Organizations

This action without regulatory effect amends California Code of Regulations, title 18, section 1570(a)(4)(B), dealing with charitable organizations to remove a date to comply with Revenue and Taxation Code section 254.5 and deletes the word "inventory" to comply with Revenue and Taxation Code section 219.

Title 18
California Code of Regulations
AMEND: 1570
Filed 12/27/2011
Agency Contact:
Richard E. Bennion (916) 445-2130

File# 2011-1114-02 BUREAU OF SECURITY AND INVESTIGATIVE SERVICES Unlicensed Activity

The Bureau of Security & Investigative Services (Bureau) is making several changes in this rulemaking to title 16 of the California Code of Regulations. This rulemaking amends one section and adopts five new sections. The purpose of this rulemaking is to allow the Bureau to issue citations for unlicensed activity and establish fine amounts for these citations. Additionally this rulemaking will allow the Bureau to issue citations/fines to persons advertising without a license.

Title 16
California Code of Regulations
ADOPT: 601.6, 601.7, 601.8, 601.9, 601.10
AMEND: 600.1
Filed 12/22/2011
Effective 12/22/2011
Agency Contact: Matthew Bowden (916) 575-7008

File# 2011-1107-03 CALIFORNIA GAMBLING CONTROL COMMISSION Interim Gambling Licenses

The California Gambling Control Commission adopted section 12349 of title 4 of the California Code of Regulations to provide for issuance of interim licenses for continued operation of gambling enterprises following certain events that result in a change in the ownership or in the control of the ownership interest.

Title 4
California Code of Regulations
ADOPT: 12349
Filed 12/21/2011
Effective 01/20/2012
Agency Contact: James Allen (916) 263-4024

File# 2011-1107-02
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Health and Safety Standards/Inmate Grooming
Standards

Current regulations require inmates to keep their hair no more than 1/2 inch long. These amendments remove the hair length restriction pursuant to a settlement agreement with a member of the Sikh faith. These amendments also make other clarifying changes to address facial hair issues.

Title 15
California Code of Regulations
AMEND: 3052, 3062
Filed 12/22/2011
Effective 01/21/2012
Agency Contact: Sarah Pollock (916) 255-5605

File# 2011-1216-02
DEPARTMENT OF DEVELOPMENTAL SERVICES
Medicaid Integrity Vendor Requirements

This emergency rulemaking action by the Department of Developmental Services (DDS) adds section 54311 and amends various other sections of title 17 of the California Code of Regulations. The purpose of this action is to update provider and vendor eligibility and disclosure criteria to meet federal participation requirements and continue federal participation funding.

Title 17
California Code of Regulations
ADOPT: 54311 AMEND: 54302, 54310, 54314,
54320, 54326, 54332, 54370
Filed 12/27/2011
Effective 12/27/2011
Agency Contact: Jeffrey Greer (916) 654-2201

File# 2011-1215-02
DEPARTMENT OF HEALTH CARE SERVICES
Drug Medi-Cal Rate (2010-2011)

This emergency regulatory action updates the Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for Fiscal Year 2010-2011 to appear in section 51516.1 of Title 22 of the California Code of Regulations. There are also a few non-substantive changes made to the same section. Pursuant to Welfare and Institutions Code sections 14021.6 and 14105, this update to the Medi-Cal reimbursement rates for

substance abuse is to be considered a deemed emergency.

Title 22
California Code of Regulations
AMEND: 51516.1
Filed 12/27/2011
Effective 12/27/2011
Agency Contact: Lori Manieri (916) 650-6825

File# 2011-1109-01
DEPARTMENT OF INDUSTRIAL RELATIONS
Tramway Inspection Fee Schedule

This action increases various aerial passenger tramway inspection fees to conform to the mandate of Labor Code 7350(a) that: "The division may fix and collect fees for the inspection of aerial passenger tramways as it deems necessary to cover the actual cost of having inspections performed by a division safety engineer."

Title 8
California Code of Regulations
AMEND: 343
Filed 12/27/2011
Effective 12/27/2011
Agency Contact: Suzanne P. Marria (510) 286-0634

File# 2011-1122-01
DEPARTMENT OF JUSTICE
Firearms and Dangerous Weapons

This action without regulatory effect amends regulations dealing with firearms and dangerous weapons to conform to a reorganization of the Penal Code enacted in AB 109. It also makes several editorial amendments.

Title 11
California Code of Regulations
AMEND: 4001, 4002, 4003, 4004, 4005, 4006,
4016, 4017, 4018, 4019, 4021, 4022, 4023, 4024,
4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037,
4039, 4040, 4041, 4045, 4046, 4047, 4048, 4049,
4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057,
4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065,
4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073,
4074, 4075, 4080, 4081, 4082, 4083, 4084, 4085,
4086, 4087, 4090, 4091, 4092, 4093, 4094, 4095,
4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103,
4104, 4105, 4106, 4107, 4108, 4109, 4125, 4126,
4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134,
4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142,
4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151,
4152, 4153, 5455, 5459, 5469, 5470, 5471, 5473,
5480, 5482, 5483, 5484, 5495, 5499 REPEAL:
4020, 4038, 4088, 4089, 4143, 5472, 5481, 5470,
5471
Filed 12/27/2011
Effective 01/01/2012
Agency Contact: Erica Goerzen (916) 322-0908

File# 2011-1116-02
DEPARTMENT OF JUSTICE
Department of Financial Institutions Bond Form

The Department of Justice for the Department of Financial Institutions is amending section 101.1, title 11, California Code of Regulations (Receiving Money for Transmission Licensee Bond).

Title 11
California Code of Regulations
AMEND: 101.1
Filed 12/28/2011
Effective 12/28/2011
Agency Contact: Karen W. Yiu (415) 703-5385

File# 2011-1122-04
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT
Expected Source of Payment, Modifications, Approval
Criteria

This action amends three sections. It adds the name and number of a plan to the list of Plans/Systems for Expected Source of Payment. It makes non-substantive changes to the text requiring requests for modifications to patient data reporting and to the approval criteria used by the Office of Statewide Health Planning and Development for the approval of data reports.

Title 22
California Code of Regulations
AMEND: 97232, 97240, 97247
Filed 12/28/2011
Agency Contact: Irene Ogbonna (916) 326-3937

File# 2011-1115-01
SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY AND HEARING AID DISPENSERS
BOARD
Dispensing Audiologists Fees/Continuing Professional
Development

This regulatory action implements statutory changes to establish registration, renewal and professional development requirements for licensed audiologists authorized to dispense hearing aids. AB 1535, which became effective January 1, 2010, merged the Speech-Language Pathology and Audiology Board and the Hearing Aid Dispensers Bureau to create one oversight body, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

Title 16
California Code of Regulations
AMEND: 1399.157, 1399.160, 1399.160.3,
1399.160.6
Filed 12/28/2011
Effective 12/28/2011
Agency Contact:
Annemarie Del Mugnaio (916) 263-2909

File# 2011-1110-02
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998: Priority
Funding Process

The State Allocation Board (SAB) submitted this timely Certificate of Compliance action to make permanent the amendments to the School Facility Program regulations that were adopted as an emergency in OAL File No. 2011-0719-04E. The emergency action amended two title 2 regulations, section 1859.90.2, which governs the process for priority funding of SAB-approved but unfunded school construction projects, and section 1859.81, which governs SAB funding of up to 100 per cent of a school district's share of new construction or modernization project costs, based on the school district's demonstration of financial hardship.

Title 2
California Code of Regulations
AMEND: 1859.90.2, 1859.81
Filed 12/21/2011
Effective 12/21/2011
Agency Contact: Robert Young (916) 375-5939

File# 2011-1110-03
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998: General
Site Development Grant

This regulatory action amends section 1859.76 to extend for an additional two years, from January 1, 2012 to January 1, 2014, the additional grant to school districts for general site development costs under the School Facility Program (SFP) and to make a nonsubstantive grammatical correction.

Title 2
California Code of Regulations
AMEND: 1859.76
Filed 12/28/2011
Effective 12/28/2011
Agency Contact: Robert Young (916) 375-5939

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN August 3, 2011 TO
December 28, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

12/28/11 AMEND: 1859.76
12/21/11 AMEND: 1859.90.2, 1859.81
12/07/11 ADOPT: 18316.6, 18361.11 AMEND:
18360, 18361, 18361.4
11/22/11 AMEND: 559
11/08/11 ADOPT: 18421.31
10/27/11 AMEND: 18404.1
10/26/11 ADOPT: 18237
10/18/11 AMEND: 1859.166.2
10/17/11 AMEND: 25001
10/12/11 AMEND: 59690
10/05/11 ADOPT: 649.21
09/27/11 ADOPT: 599.506(f) AMEND:
599.502(f)
09/21/11 AMEND: 1859.90.2
09/08/11 AMEND: 1859.2, 1859.82
09/07/11 ADOPT: 10000, 10001, 10002, 10003,
10004, 10005, 10006, 10007, 10008,
10009, 10010, 10011, 10012, 10013,
10014, 10015, 10016, 10017, 10018,
10019, 10020, 10021, 10022, 10023,
10024, 10025, 10026, 10027, 10028,
10029, 10030, 10031, 10032, 10033,
10034, 10035, 10036, 10037, 10038,
10039, 10040, 10041, 10042, 10043,
10044, 10045, 10046, 10047, 10048,
10049, 10050, 10051, 10052, 10053,
10054, 10055, 10056, 10057, 10058,
10059, 10060, 10061, 10062, 10063,
10064, 10065, 10066
09/06/11 AMEND: 29000
09/01/11 ADOPT: 58600 REPEAL: 58600
09/01/11 AMEND: 54200
09/01/11 AMEND: 54600
08/08/11 ADOPT: 59700

Title 3

12/20/11 AMEND: 3407(e)
12/05/11 AMEND: 1408.6
11/29/11 AMEND: 3591.15(a)

11/14/11 AMEND: 3437(b)
11/10/11 AMEND: 6000, 6361, 6400, 6460, 6464,
6470, 6502, 6512, 6524, 6560, 6562,
6564, 6625, 6626, 6625, 6632, 6728,
6761, 6780
11/10/11 AMEND: 3589(a)
10/26/11 AMEND: 1430.142
10/19/11 AMEND: 3423(b)
10/12/11 AMEND: 3906
10/10/11 ADOPT: 3591.25
10/10/11 AMEND: 3423(b)
09/29/11 AMEND: 3434(b)(8)
09/28/11 AMEND: 3425(b)
09/19/11 AMEND: 3423(b)
09/15/11 AMEND: 3591.2(a)
09/07/11 AMEND: 3591.2(a)
08/23/11 ADOPT: 6131 AMEND: 6128, 6130
08/23/11 ADOPT: 1392.4.1 AMEND: 1392,
1392.1, 1392.2, 1392.4, 1392.6,
1392.8.1, 1392.9, 1392.11
08/03/11 AMEND: 3437(b)

Title 4

12/21/11 ADOPT: 12349
12/09/11 ADOPT: 5205 AMEND: 5000, 5054,
5144, 5170, 5190, 5200, 5230, 5350,
5370 REPEAL: 5133
12/07/11 AMEND: 1433
12/05/11 AMEND: 10325(c)(8)
11/28/11 AMEND: 1632
11/07/11 AMEND: 8070, 8072, 8073, 8074
11/03/11 AMEND: 10152, 10153, 10154, 10155,
10157, 10159, 10160, 10161, 10162
REPEAL: 10156, 10158, 10164
10/04/11 AMEND: 1658
09/30/11 AMEND: 12100, 12101, 12200.3,
12200.5, 12200.6, 12200.9, 12200.10B,
12200.14, 12202, 12205.1, 12218,
12218.7, 12218.8, 12220.3, 12220.5,
12220.6, 12220.14, 12222, 12225.1,
12233, 12235, 12238, 12300, 12301.1,
12309, 12350, 12354, 12358, 12359,
12362, 12400, 12404, 12463, 12464
09/28/11 ADOPT: 8035.5
09/20/11 AMEND: 12590
09/07/11 ADOPT: 1500.1 AMEND: 1498
08/16/11 ADOPT: 8078.2 AMEND: 8070, 8072,
8073, 8074
08/10/11 ADOPT: 10030, 10031, 10032, 10033,
10034, 10035, 10036, 10037

Title 5

12/19/11 ADOPT: 30001.5
12/16/11 AMEND: 53309, 53310
12/14/11 AMEND: 55150, 55151, 55154, 55155
REPEAL: 55152, 55153

11/16/11	ADOPT: 11968.5.1, 11968.5.2, 11968.5.3, 11968.5.4, 11968.5.5 AMEND: 11960, 11965, 11969 (renumbered 11968.1), 11969.1	09/19/11	AMEND: 15201, 15214, 15251, 15300, 15400.2, 15405, 15430.1, 15478, 15481, 15484
10/27/11	ADOPT: 4800, 4800.1, 4800.3, 4800.5, 4801, 4802, 4802.05, 4802.1, 4802.2, 4803, 4804, 4805, 4806, 4807, 4808	09/06/11	AMEND: 8608
10/24/11	ADOPT: 11966.4, 11966.5, 11966.6, 11966.7 AMEND: 11967, 11967.5.1	08/29/11	AMEND: 1504, 3207
10/18/11	ADOPT: 10120.1, 10121	08/10/11	ADOPT: 3302 AMEND: 3308
09/22/11	ADOPT: 80069.2 AMEND: 80070	08/05/11	ADOPT: 1603.1 AMEND: 1504, 1600, 1602, 1603
09/19/11	ADOPT: 30001.5	Title 9	
09/19/11	ADOPT: 74112, 75020, 75030, 75040, 75050, 75150, 75200, 75210 AMEND: 74110	10/04/11	ADOPT: 7016.1, 7019.6, 7025.7, 7028.7, 7179.7 AMEND: 7098, 7179.1, 7181.1
08/15/11	ADOPT: 19817.2, 19817.5, 19840, 19846.1 AMEND: 19815, 19816, 19816.1, 19817.1, 19846	08/08/11	ADOPT: 4500, 4510, 4520
08/15/11	ADOPT: 40050.2	Title 10	
08/15/11	ADOPT: 40050.3	12/19/11	AMEND: 2498.5
08/15/11	AMEND: 40100.1	12/19/11	AMEND: 2498.4.9
08/15/11	AMEND: 40404	12/19/11	AMEND: 2498.6
08/15/11	AMEND: 40405.1	12/09/11	AMEND: 2698.302
08/15/11	ADOPT: 40509	12/09/11	AMEND: 2699.301
08/15/11	ADOPT: 40513	11/21/11	ADOPT: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596
08/15/11	ADOPT: 40514	10/20/11	AMEND: 2222.12
08/15/11	ADOPT: 40515	09/26/11	ADOPT: 2785
08/15/11	ADOPT: 40516	09/26/11	ADOPT: 2830
08/15/11	ADOPT: 41021	09/26/11	ADOPT: 2725.5, 2960, 2961, 2962, 2963 AMEND: 2930
08/15/11	ADOPT: 41022	09/22/11	AMEND: 2318.6, 2353.1
08/04/11	ADOPT: 1039.1	09/22/11	AMEND: 2318.6, 2353.1, 2354
08/04/11	AMEND: 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.6	08/11/11	AMEND: 2731
Title 7		Title 11	
08/16/11	AMEND: 218	12/28/11	AMEND: 101.1
Title 8		12/27/11	AMEND: 4001, 4002, 4003, 4004, 4005, 4006, 4016, 4017, 4018, 4019, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4039, 4040, 4041, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 5455, 5459, 5469, 5470, 5471, 5473, 5480, 5482, 5483, 5484, 5495, 5499 REPEAL: 4020, 4038, 4088, 4089, 4143, 5472, 5481, 5470, 5471
12/27/11	AMEND: 343		
12/13/11	ADOPT: 8351, 8356, 8376.1, 8378.1, 8387, 8391.1, 8391.2, 8391.4, 8391.5, 8391.6, 8397.6 AMEND: 5194.1, 8354, 8376, 8378, 8384, 8391, 8391.3, 8397.2, 8397.3, 8397.4, 8397.5		
12/12/11	AMEND: 1541.1		
12/07/11	ADOPT: 16450, 16451, 16452, 16454, 16455 AMEND: 16423, 16433 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455		
11/07/11	AMEND: 6051		
10/27/11	ADOPT: 2320.10, 2940.10 AMEND: 1512, 3400		
10/17/11	AMEND: 230.1(a)		
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 12/08/11 ADOPT: 117.1
 11/14/11 AMEND: 1008
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 10/25/11 AMEND: 1005, 1007, 1008
 10/07/11 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
 10/06/11 AMEND: 30.14
 10/06/11 ADOPT: 30.16
 09/28/11 AMEND: 1081
 09/28/11 AMEND: 1005
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12/14/11 AMEND: 2025
 12/14/11 AMEND: 2449, 2449.1, 2449.3 (renumbered to 2449.2), 2775, 2775.1, 2775.2 REPEAL: 2449.2
 12/05/11 AMEND: 553.70
 11/22/11 AMEND: 1956.8
 11/17/11 AMEND: 1233
 11/09/11 AMEND: 2027
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 10/07/11 ADOPT: 345.03, 345.75, 345.76, 345.77
 09/15/11 AMEND: 2190
 08/23/11 ADOPT: 345.00 AMEND: 345.02, 345.04, 345.15, 345.18, 345.20, 345.22, 345.23, 345.26
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10/27/11 AMEND: 2299.2, 93118.2

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12/20/11 AMEND: 11900
 12/20/11 ADOPT: 4970.24.2 AMEND: 4970.00, 4970.01, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.15.1, 4970.15.2, 4970.19, 4970.19.1, 4970.23.1, 4970.23.2, 4970.24, 4970.25.2, 4970.25.3
 12/09/11 AMEND: 15062, 15075, 15094, Appendix D and Appendix E
 12/08/11 AMEND: 632
 12/07/11 AMEND: 870.17, 870.19
 11/22/11 AMEND: 791.7, 870.17
 11/17/11 AMEND: 163, 164
 11/15/11 AMEND: 700.4, 701, 705 REPEAL: 704
 10/05/11 AMEND: 913.4, 933.4, 953.4, 959.15 REPEAL: 939.15
 10/05/11 AMEND: 913.4, 933.4, 953.4, 959.15 REPEAL: 939.15

10/04/11 AMEND: 29.15
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 09/22/11 AMEND: 565, 565.4, 566, 566.1, 569, 570, 571, 572, 573, 576, 583, 593, 598.60, 599
 09/22/11 AMEND: 7.50(b)(1.5), 27.65, 29.80
 09/16/11 AMEND: 11900, 11970
 09/08/11 AMEND: 300, 311
 08/30/11 ADOPT: 3550.16
 08/29/11 AMEND: 502
 08/08/11 ADOPT: 1052.5 AMEND: 895, 916.9, 936.6, 956.9, 1052, 1052.1, 1052.2
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 12/09/11 AMEND: 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, 3323
 12/05/11 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757
 12/01/11 ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000
 11/14/11 AMEND: 3341.5, 3375.2, 3377.1
 11/10/11 ADOPT: 3359.1, 3359.2, 3359.3, 3359.4, 3359.5, 3359.6 AMEND: 3000
 10/25/11 ADOPT: 2240
 10/06/11 REPEAL: 3999.7
 09/27/11 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
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11/21/11	AMEND: 66260.11, 66260.12, 66262.53, 66262.56, 66263.32, 66264.12, 66264.71, 66264.72, 66265.12, 66265.71, 66265.72		
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